

**STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION**

**ORDER NUMBER R4-2019-XXXX**

**CLEAN WATER ACT SECTION 401 WATER QUALITY CERTIFICATION AND  
WASTE DISCHARGE REQUIREMENTS  
FOR  
PORT OF LONG BEACH  
LONG BEACH CRUISE TERMINAL  
(FILE NUMBER 09-093)**

The California Regional Water Quality Control Board, Los Angeles Region (hereinafter Regional Water Board) issues this Order pursuant to California Water Code section 13263, and finds:

1. Carnival Corporation (Carnival) has filed an application for Waste Discharge Requirements for its project, entitled "Long Beach Cruise Terminal Improvement at the Port of Long Beach" to make improvements to the Cruise Terminal at Wharf H in the Port of Long Beach (POLB) to (i) ensure that the new Vista class of cruise ships with approximately 4,000 passengers can be safely moored and serviced at the POLB; and (ii) improve existing safety at the berth related to swells. The improvements will entail all actions and activities necessary to safely accommodate the Vista class Carnival Panorama vessel and the associated increase in passenger numbers.
2. The project site (Figures 1 and 2) is currently leased to Carnival by POLB and Urban Commons Queensway LLC, the master tenant for the City of Long Beach and the POLB. These leases were originally acquired for Carnival's relocation in 2003 from Los Angeles' San Pedro Port to the POLB. Carnival also arranged to lease the entirety of the geodesic dome (which was originally built in 1983 to publicly display Howard Hughes' Spruce Goose seaplane) in early 2018 when it opened the newly-renovated dome and 'home-ported' Carnival Splendor, a 3,012-passenger vessel, to Long Beach.
3. Carnival proposes to dredge approximately 33,250 cubic yards of sediment to deepen the existing passenger terminal berth from the current design depth of 30 ft Mean Lower Low Water (MLLW) to a new design depth of 36 ft MLLW, plus 1 foot of over-dredged for a total depth of 37 ft MLLW. The equipment to be used for the dredging operations includes a barge with electric clamshell dredge with up to two tugboats and two hopper barges. Active dredging is anticipated to take approximately 21 days, including accommodations for ship schedules. Carnival proposes to dispose of the dredged material at the LA-2 Ocean Dredged Material Disposal Site (ODMDS). The LA-2 ODMDS is a United States Environmental Protection Agency (USEPA) designated site that is currently managed at an annual disposal capacity of 1 million cubic yards for the ocean disposal of dredged material from the Los Angeles County and Orange County region. The site is located approximately 6.8 miles offshore from the entrance to the Port of Los Angeles in federal waters (Figure 1). It has a radius of 3000 feet and

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straddles the continental shelf, margin and upper wall of the San Pedro Sea Valley. Carnival is also proposing to expand its existing water lease from POLB from 7.81 acres to 11.8 acres to encompass the additional dredged area required as part of the project. The proposed lease area does not encompass the full dredge limits; however, the lease language does allow dredging in the vicinity required for operation of the wharf. The total over-water work area is approximately 17.06 acres, which includes the proposed water lease area as well as the dredge extents.

4. Terminal improvements will be made in addition to dredging and disposal of the dredged material and include: 1) installation of additional mooring dolphins and associated catwalks, 2) extension of the passenger boarding bridge, and 3) rehabilitation of fenders (Figure 3).
  - The addition of two high-capacity, pile-founded mooring dolphins are needed to allow for adequate mooring capacity during reasonably anticipated dockside conditions, often including high winds and long-period wave swell actions. A total of forty 36" diameter steel pipe piles are needed for the mooring dolphins (twenty piles for each dolphin). All mooring dolphins will be connected back to the wharf deck of the marine structure via installed catwalk bridge elements. Pile driving will be performed using a derrick barge with pile driver. Active pile-driving durations are anticipated to be 3 to 4 weeks and may be concurrent with the dredging workdays. Construction is anticipated to take 2 months (may occur same time as dredging).
  - An extension to the existing passenger bridge system is needed and will include an additional tower element on the existing wharf deck. A new pile founded tower and platform deck will be constructed just south of the existing wharf deck. The tower will consist of nine 36" diameter steel pipe piles. These new structures will be connected to the existing gangway, approximately 58 feet above the water's surface. Pile driving will be performed using a derrick barge for the 9 piles. Construction is anticipated to take 2 months, will occur simultaneously with mooring dolphin construction. All other improvements associated with the passenger boarding bridge will be constructed from the landside.
  - The Project proposes to rehabilitate the existing fender system by replacing most of the existing worn foam filled fenders with larger high capacity fenders, having improved dampening characteristics, and support increased stand-off from fixed wharf structures. The rehabilitation includes the replacement of 10 fenders with oversized high-density foam-filled fenders and backing plates and the relocation of 4 existing fenders. The proposed fenders will result in minimal increase in overwater shading as compared to the existing conditions. Fender rehabilitation construction will mostly occur from the landside (i.e. delivery of materials, holes drilled through the wharf/dolphin and prep work). Installation of the fender panels will occur by landside or barge-mounted crane.

5. A sediment characterization study was conducted in October 2018 to assess the sediment quality in the passenger terminal berthing area and to determine the suitability for ocean disposal of the dredged material. Multiple vibracores were collected on October 30 and 31 from five sampling locations within the proposed Carnival Cruise Terminal dredged footprint (Figure 4). The sampling and testing were conducted in accordance with the Ocean Testing Manual (OTM) (USACE and USEPA, 1991), Inland Testing Manual (ITM) (USACE and USEPA, 1998), the Clean Water Act (CWA), and Southern California Dredge Material Management Team (SC-DMMT) draft guidelines. Sampling and testing were conducted in accordance with the Sampling and Analysis Plan (SAP) finalized on September 12, 2018. Sediment samples were made into two composites, Composite-a and Composite-b. The two composite samples were characterized via grain size analysis and chemical analysis. Sediment toxicity testing was conducted on the two composite samples using the polychaete, *Neanthes arenaceodentata*, and the amphipod, *Ampelisca abdita*. Bioaccumulation testing was conducted using the polychaete, *Neanthes virens*, and the bivalve, *Macoma nasuta*.
- Grain size analyses indicated that the Composite-a sample was 84 % silt and clay and 16 % sand. Composite-b sediments were 95 % silt and clay and 5 % sand.
  - The composite samples exceeded the concentration thresholds which possibly could cause toxicity (Effects Range-Low) (ER-L) to marine organisms for arsenic, copper, lead, mercury, nickel, zinc, 4,4'-DDD, 4,4'-DDE, total DDT and total PCB Congeners (Refer to Table 2). There were no Effects Range-Median (ER-M) exceedances<sup>1</sup>.
  - The *Ampelisca abdita* mean survival results were 94 percent for Composite-a and 91 percent for Composite-b. The mean *Neanthes arenaceodentata* survival rates were 98 percent for Composite-a and 100 percent for Composite-b.
  - After 28-day bioaccumulation exposure, mean *Macoma nasuta* survival was 91% and 94% for Composite-a and Composite-b, respectively and mean *Nereis virens* survival was 100% and 96% for Composite-a and Composite-b, respectively. These values compare to the 94% and 86% *M. nasuta* survival for the reference and control exposures, respectively, and 100% *N. virens* survival for both the reference and control exposures.
6. Based on the data presented in the sediment and analysis plan report (SAPR), the dredged material meets the limiting permissible concentration (LPC) for bioaccumulation and complies with the benthic criteria of paragraph 227.13(c)(3) in Title

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<sup>1</sup> The sediment quality guidelines ER-L and ER-M were established in Long, ER, LJ Field and DD MacDonald. 1998. *Predicting Toxicity in Marine Sediments with Numerical Sediment Quality Guidelines*, *Environ. Toxicol. Chem.* **17**:4, 714-727.

40, CFR, Parts 220-228. As a result, no further information is necessary to determine compliance with bioaccumulation regulations.

7. Given the limited number of ER-L exceedances (arsenic, copper, lead, nickel, zinc, 4,4'-DDD, 4,4'-DDE, total DDT and total PCB Congeners) and no Effects Range-Median (ER-M) exceedances, the sediments are suitable for placement at LA-2 ODMDS. Based on the results in the SAPR standards provided by USEPA/USACE 1991<sup>1</sup>.
8. As lead agency, the City of Long Beach circulated a Draft Mitigated Negative Declaration for the Project on August 28, 2019 for public comments. The Long Beach City Council adopted a final Mitigated Negative Declaration on [DATE TO BE INSERTED BEFORE THE BOARD ACTS ON THIS PERMIT]. The Regional Water Board, as a responsible agency under CEQA, finds that all environmental effects have been identified for project activities that it is required to approve, and that the Project will not have significant adverse impacts on the environment provided that the mitigation presented in the final Mitigated Negative Declaration and any subsequent agency-approved Mitigation Monitoring and Reporting Program updates, is carried out as conditioned in this Order. In adopting this Order, the Regional Water Board has eliminated or substantially lessened the less-than-significant effects on water quality, and therefore approves the project.
9. The United States Army Corps of Engineers (COE) will provide a permit for the Long Beach Cruise Terminal Improvement at the Port of Long Beach. The Port of Long Beach will also provide a Harbor Development Permit/Coastal Development Permit for this project. The file number is HDP-18-094.
10. The Water Quality Control Plan for the Los Angeles Region (Basin Plan) designates the beneficial uses of the Coastal Watersheds of Los Angeles and Ventura Counties and establishes water quality objectives for Los Angeles-Long Beach Harbor. The requirements contained in this Order implement the Basin Plan.
11. The beneficial uses of Los Angeles-Long Beach Harbor (All Other Inner Areas) are: industrial process supply, navigation, water contact recreation (potential), noncontact water recreation, commercial and sport fishing, marine habitat, shellfish harvesting (potential), and preservation of rare, threatened or endangered species (one or more species utilize waters or wetlands for foraging and/or nesting). As reported in the Mitigated Negative Declaration and Application Summary report, there will be a "less than significant impact with mitigation incorporated" for all potential species listed for the region in the California Natural Diversity Database (CNDDB).

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<sup>1</sup> USEPA/USACE (U.S. Environmental Protection Agency and U.S. Army Corps of Engineers).1991. Evaluation of Dredged Material Proposed for Ocean Disposal (Testing Manual), U. S.EPA Office of Marine and Estuaries Protection, and Department of the Army, U.S. ACE. Washington D.C. EPA-503/8-91/001.

12. With proper management of the dredging and disposal operations, as proposed by Carnival and as conditioned in this Order, the project is not expected to release significant levels of contaminants to the Harbor waters or other State waters, nor adversely impact beneficial uses.
13. The Regional Water Board provided public notice of the draft Order from October 21, 2019 to November 20, 2019.
14. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge and to the tentative requirements.
15. Any aggrieved person may petition the State Water Board to review the decision of the Regional Water Board regarding the final WDRs. The petition must be received by the State Water Board at the following address within 30 calendar days of the Regional Water Board's action:

State Water Resources Control Board  
Office of Chief Counsel  
P.O. Box 100, 1001 I Street  
Sacramento, CA 95812-0100

For instructions on how to file a petition for review, see:

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality/wqpetition\\_instr.shtml](http://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml)

**IT IS HEREBY ORDERED** that Carnival, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act as amended, and regulations and guidelines adopted thereunder, shall comply with the following conditions and requirements:

**A. Discharge Requirements**

1. The removal and placement of dredged/excavated material shall be managed such that the concentrations of toxic pollutants in the water column, sediments or biota shall not adversely affect existing and designated beneficial uses, including those identified in Finding number 11, above.
2. Marine and enclosed bay and estuarine communities and populations, including vertebrate, invertebrate and plant species, shall not be degraded as a result of the discharge of waste.
3. The natural taste and odor of fish, shellfish or other marine and enclosed bay and estuarine resources used for human consumption shall not be impaired as a result of the discharge of waste.

4. Toxic pollutants shall not be discharged at levels that will bioaccumulate in aquatic resources to levels which are harmful to human health.
5. There shall be no acute toxicity or chronic toxicity in ambient waters as a result of the discharge of waste.
6. Dredging, excavation or disposal of dredge spoils shall not cause any of the following conditions in the receiving waters:
  - a. The formation of sludge banks or deposits of waste origin that would adversely affect the composition of the bottom fauna and flora, interfere with the fish propagation or deleteriously affect their habitat, or adversely change the physical or chemical nature of the bottom.
  - b. Turbidity that would cause substantial visible contrast with the natural appearance of the water outside the immediate area of operation.
  - c. Discoloration outside the immediate area of operation.
  - d. Visible material, including oil and grease, either floating on or suspended in the water or deposited on beaches, shores, or channel structures outside the immediate area of operation.
  - e. Objectionable odors emanating from the water surface.
  - f. Depression of dissolved oxygen concentrations below 5.0 milligrams per liter at any time outside the immediate area of operation.
  - g. Any condition of pollution or nuisance.

B. Provisions

1. These WDRs and Clean Water Act Section 401 Water Quality Certification are only valid for dredging 33,250 cy of sediment and soil, with disposal of the dredged material at the LA-2 ODMDS.
2. Carnival shall notify this Regional Water Board immediately by telephone of any adverse conditions in receiving waters or adjacent areas resulting from the removal of dredge materials or disposal operations; written confirmation shall follow within one week.
3. Clean Water Act Section 401(d) and CWC section 13267 authorize the Regional Water Board to require technical and monitoring reports. The attached MRP establishes monitoring and reporting requirements to implement federal and state requirements. CWC section 13267(b) states, in part: *In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging or proposes to discharge within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste outside of its region shall furnish under penalty of perjury, technical or monitoring program reports which the Regional Board requires. The*

*burden, including costs of these reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports and shall identify the evidence that supports requiring that person to provide the reports.*

4. Carnival shall conduct the monitoring required and comply with the reporting requirements outlined in the attached Monitoring and Reporting Program (MRP), which is part of these Waste Discharge Requirements and a condition of water quality certification. The burden, including costs, of conducting the monitoring and providing the reports required by this Order bears a reasonable relationship to the need for the monitoring/reports and the benefits to be obtained from the data and reports. Specifically, the required monitoring and reports will confirm that the dredging operations authorized by this Order will protect beneficial uses and verify compliance with this Order.
5. This Order does not authorize any act which results in the taking of a threatened, endangered or candidate species or any act, which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & G. Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C. §§ 1531-1544). If a “take” will result from any act authorized under this Order, Carnival must obtain authorization for the take prior to any construction or operation of the portion of the Project that may result in a take. Carnival is responsible for meeting all requirements of the applicable endangered species act for the Project authorized under this Order.
6. The Permittee shall comply with the National Marine Fisheries Service’s Caulerpa Control Protocol and Southern California Eelgrass Mitigation Policy.
7. A copy of this Order shall be made available at all times to project construction personnel.
8. Carnival shall provide the following information to the Regional Water Board:
  - a. The scheduled date of commencement of each dredging operation and an engineering plan and profile of the excavation and the disposal site at least two weeks prior to commencement.
  - b. Notice of termination of the operation, within one week following the termination date.
9. Carnival shall submit, under penalty of perjury, technical reports to the Regional Water Board in accordance with any specifications directed by the Executive Officer.

10. In accordance with section 13260(c) of the Water Code, Carnival shall file a report of any material change or proposed change in the character, location, or volume of the waste.
11. These requirements do not exempt Carnival from compliance with any other laws, regulations, or ordinances which may be applicable, and they leave unaffected any further restraint on the disposal of wastes at this site which may be contained in other statutes or required by other agencies.
12. In accordance with Water Code section 13263(g), these requirements shall not create a vested right to continue to discharge and are subject to rescission or modification. All discharges of waste into waters of the State are privileges, not rights.
13. This Order includes Attachment A: "Standard Provisions, General Monitoring and Reporting Requirements" ("Standard Provisions") and the attached Monitoring and Reporting Requirements, both of which are incorporated herein by reference. If there is any conflict between provisions stated hereinbefore and said "Standard Provisions", those provisions stated herein prevail. If there is any conflict between requirements stated in the attached Monitoring and Reporting Program and said "Standard Provisions", the former shall prevail.
14. This Order certifies, pursuant to Clean Water Act Section 401 Water Quality Certification, that the proposed project, as conditioned by this Order complies with the applicable provisions of Clean Water Act sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards). Pursuant to section 3860 of title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:
  - a. this certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and Article 6 (commencing with 23 CCR section 3867);
  - b. this certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought;
  - c. this certification is conditioned upon total payment of any fee required pursuant to 23 CCR division 3, chapter 28, and owed by the applicant.
15. This Order shall expire on December 31, 2021.



Port of Long Beach  
Long Beach Cruise Terminal

Order Number R4-2019-XXXX

I, Renee Purdy, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region on December 12, 2019.

Renee Purdy  
Executive Officer

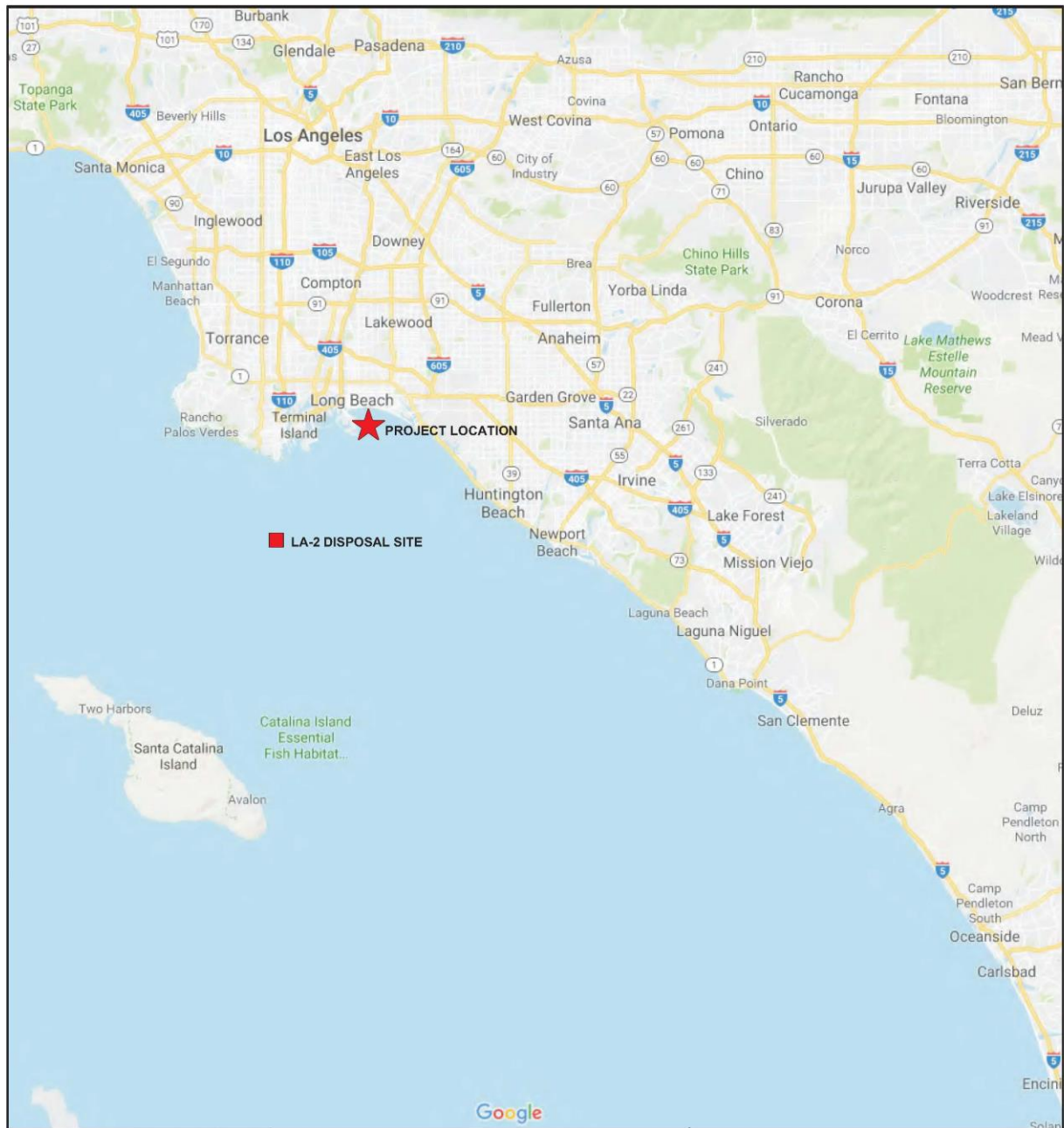


Figure 1. Location Map for the Port of Long Beach and Disposal Site



Figure 2. Project Location

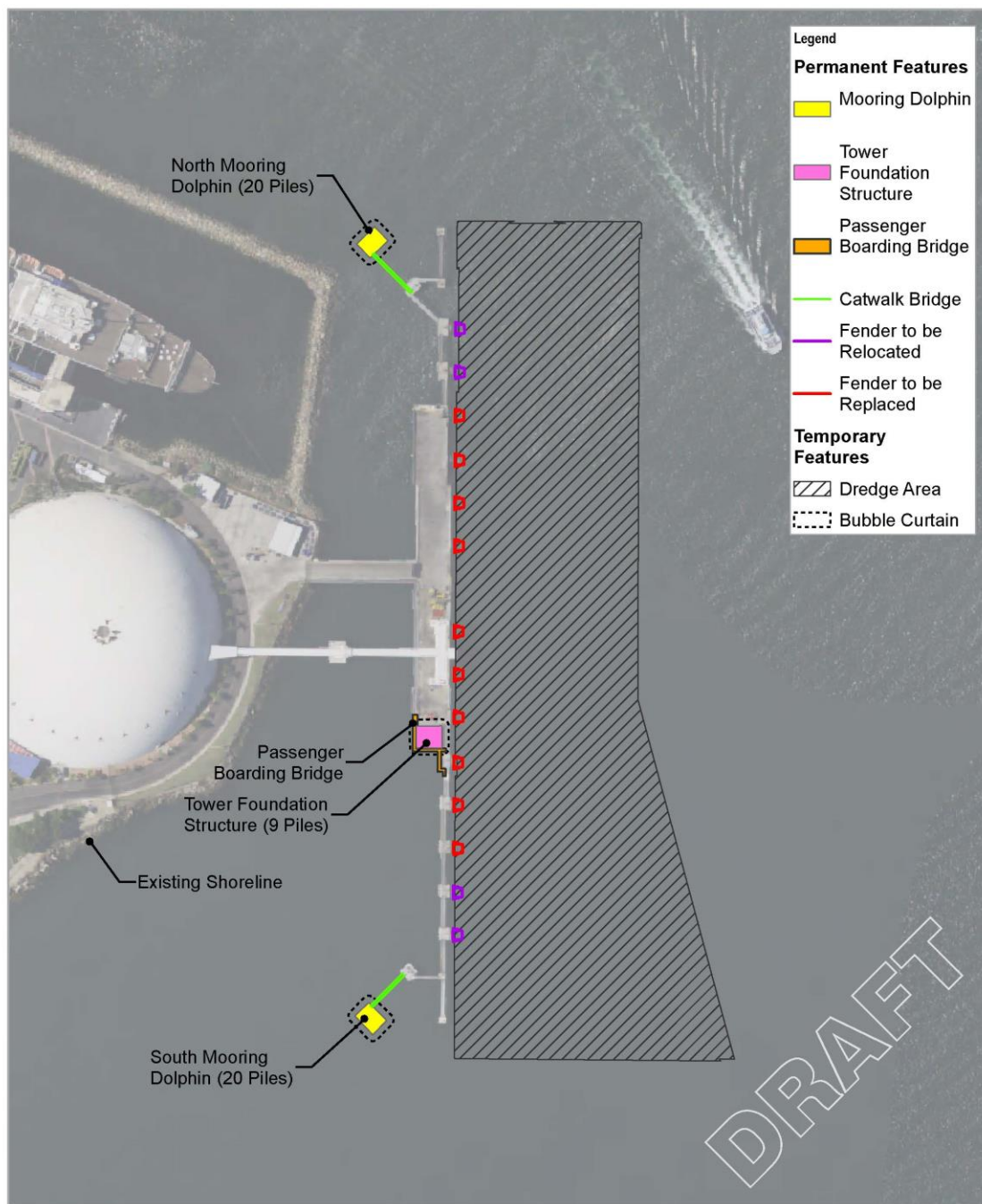


Figure 3. Project Components



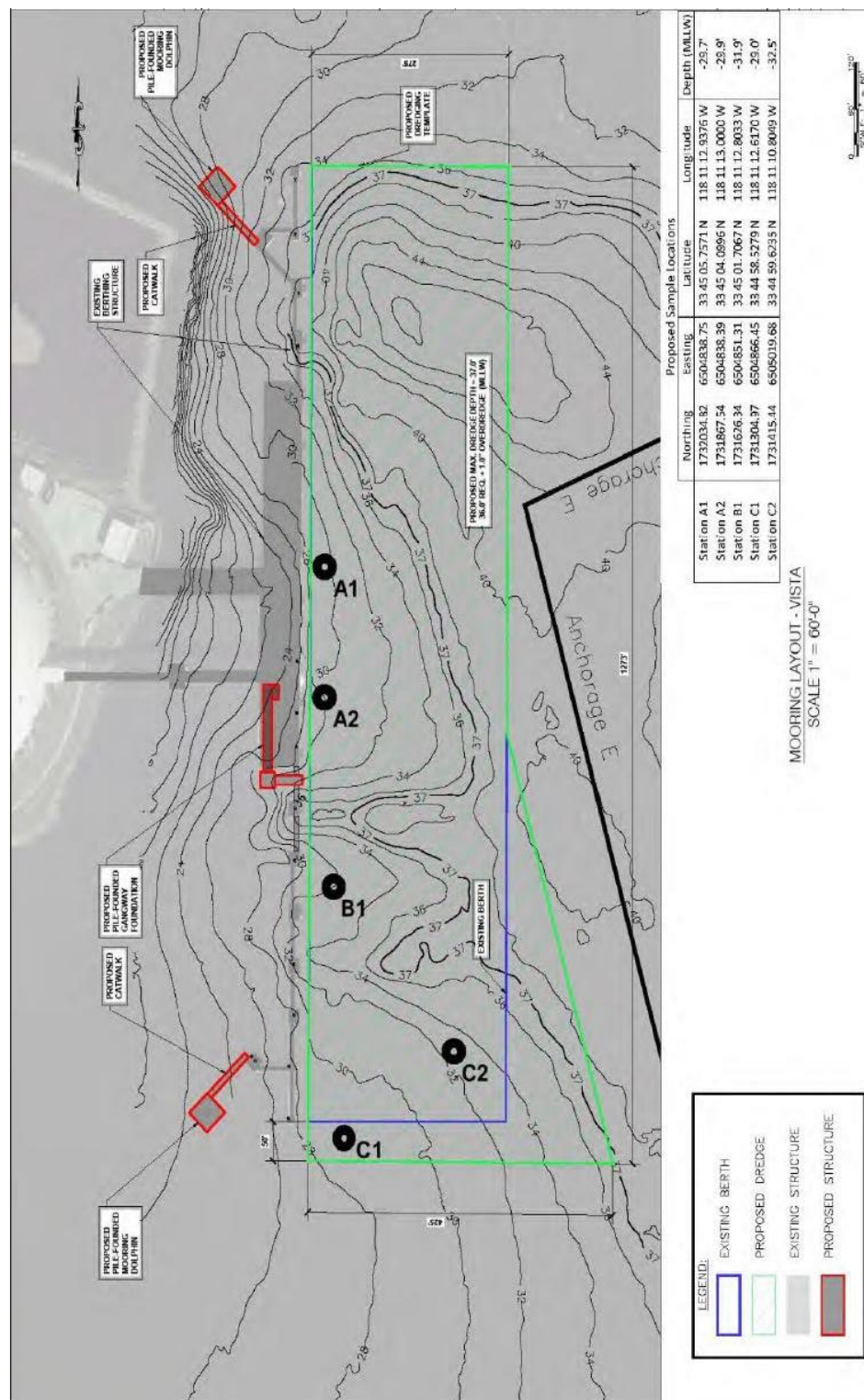


Figure 4. Sampling Locations, sediment characterization study, October 2018

Table 1. Results from Grain Size Analysis sediment characterization study, October 2018

<b>Sediment Content</b>	<b>Composite-a</b>	<b>Composite-b</b>
Gravel	0%	0%
Sand	16%	5%
Silt and Clay	84%	95%

Table 2. Results from Chemical Analysis sediment characterization study, October 2018

<b>Analyte</b>	<b>Composite-a</b>	<b>Composite-b</b>	<b>Screening Threshold 1 (ERL)</b>	<b>Screening Threshold 2 (ERM)</b>
<b>Metals (mg/kg)</b>				
Arsenic	9.51	12.1	8.2	70
Cadmium	1.17	1.15	1.2	9.6
Chromium	34.1	38.6	81	370
Copper	85.4	61.5	34	270
Lead	80.4	72.3	46.7	218
Nickel	23.8	30	20.9	51.6
Selenium	4.3	2.8	N/A	N/A
Silver	0.561	0.566	1.0	3.7
Zinc	211	174	150	410
Mercury	0.14	0.168	0.15	0.71
<b>Chlorinated Pesticides (µg/kg)</b>				
4,4'-DDD	15	18	2	20
4,4'-DDE	21	23	2.2	27
Total DDTs	40.4	53	1.58	46.1
<b>PCBs (µg/kg)</b>				
Total PCBs	115	107	22.7	180

DDE = dichloro-diphenyl-dichloroethylene; DDT = dichloro-diphenyl-trichloroethane;  
PAHs = polycyclic aromatic hydrocarbons; PCBs = polychlorinated biphenyls;  
ERL = Effects Range Low; ERM = Effects Range Median

## **ATTACHMENT A - STANDARD PROVISIONS, GENERAL MONITORING AND REPORTING REQUIREMENTS**

### **A. Duty to Comply**

The Project Sponsor must comply with all conditions of these waste discharge requirements. A responsible party has been designated in the Order for this project and is legally bound to maintain the monitoring program and permit. Violations may result in enforcement actions, including Regional Water Board orders or court orders requiring corrective action or imposing civil monetary liability, or in modification or revocation of these waste discharge requirements by the Regional Water Board. (CWC Sections 13261, 13263, 13265, 13268, 13300, 13301, 13304, 13340, 13350). Failure to comply with any waste discharge requirement, monitoring and reporting requirement, or other order or prohibition issued, reissued or amended by the Regional Water Board or State Water Board is a violation of these waste discharge requirements and the Water Code, which can result in the imposition of civil liability. (CWC Section 13350, subdivision (a).)

### **B. General Prohibition**

Neither the treatment nor the discharge of waste shall create a pollution, contamination or nuisance, as defined by Section 13050 of the CWC. In addition, the discharge of waste classified as hazardous, as defined in California Code of Regulations, Title 23, Section 2521, subdivision (a) is also prohibited.

### **C. Availability**

A copy of these waste discharge requirements shall be maintained at the discharge facility and be available at all times to operating personnel. (CWC Section 13263).

### **D. Change in Ownership**

The Project Sponsor must notify the Executive Officer, in writing at least 30 days in advance of any proposed transfer of this Order's responsibility and coverage to a new Project Sponsor containing a specific date for the transfer of this Order's responsibility and coverage between the current Project Sponsor and the new Project Sponsor. This agreement shall include an acknowledgement that the existing Project Sponsor is liable for violation up to the transfer date and that the new Project Sponsor is liable from the transfer date forward. (CWC Sections 13267 and 13263). The new Project Sponsor shall submit a revised application that requests an amendment to formally amend the Order to acknowledge the transfer.

### **E. Change in Discharge**

In the event of a material change in the character, location, or volume of a discharge, the Project Sponsor shall file with this Regional Water Board a new receiving water

monitoring report (CWC Section 13260, subdivision (c)). A material change includes, but is not limited to, the following:

- a. Significant change in disposal method, e.g., change from a land disposal to a direct discharge to water, or change in the method of treatment which would significantly alter the characteristics of the waste.
- b. Significant change in the disposal area, e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area significantly removed from the original area potentially causing different water quality or nuisance problems.
- c. Increase in flow beyond that specified in the waste discharge requirements.
- d. Increase in area or depth to be used for disposal beyond that specified in the waste discharge requirements. (CCR Title 23 Section 2210).

In addition, modifications to project may require an amendment of the Order. The Project Sponsor shall give advance notice to the Regional Water Board staff if project implementation as described in the application materials is altered in any way or by the imposition of subsequent permit conditions by any local, state or federal regulatory authority by submitting a Modifications to Project Report. The Permittee shall inform the Regional Water Board staff of any project modifications that will interfere with the permittee's compliance with the Order.

#### **F. Revision**

These waste discharge requirements are subject to review and revision by the Regional Water Board. (CWC Section 13263).

#### **G. Notification**

Where a project sponsor becomes aware that it failed to submit any relevant facts in a receiving water monitoring report or submitted incorrect information in a receiving water monitoring report or in any report to the Regional Water Board, it shall promptly submit such facts or information. (CWC Sections 13260 and 13267).

#### **H. Vested Rights**

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, do not protect a Project Sponsor from his liability under Federal, State or local laws, nor do they create a vested right for the Project sponsor to continue the waste discharge. (CWC Section 13263, subdivision (g)).

#### **I. Severability**



Provisions of these waste discharge requirements are severable. If any provision of these requirements is found invalid, the remainder of these requirements shall not be affected. (CWC Section 921).

#### **J. Operation and Maintenance**

The Project Sponsor shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Project Sponsor to achieve compliance with conditions of this Order. Proper operation and maintenance include effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Order. (CWC Section 13263, subdivision (f)).

#### **K. Hazardous Releases Requirement**

Except for a discharge which is in compliance with these waste discharge requirements, any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Article 3.7 (commencing with Section 8574.7) of Chapter 7 of Division 1 of Title 2 of the Government Code, and immediately notify the State Water Board or the appropriate Regional Water Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of Section 13271 of the California Water Code unless the discharge is in violation of a prohibition in the applicable Water Quality Control plan. (CWC Section 13271, subdivision (a)).

#### **L. Oil or Petroleum Releases**

Except for a discharge which is in compliance with these waste discharge requirements, any person who without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any water of the State, shall, as soon as (a) such person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Article 3.5 (commencing

with Section 8574.1) of Chapter 7 of Division 1 of Title 2 of the Government Code. This provision does not require reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to Section 311 of the Clean Water Act or the discharge is in violation of a prohibition in the applicable Water Quality Control Plan. (CWC Section 13272).

#### **M. Investigations and Inspection**

The Project Sponsor shall allow the Regional Water Board, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the Project Sponsor's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order.
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this Order.
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order.
4. Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order, or as otherwise authorized by the California Water Code, any substances or parameters at any location. (CWC Section 13267).
- e. Except for material determined to be confidential in accordance with applicable law, all reports prepared in accordance with the terms of this Order shall be available for public inspection at the office of the Los Angeles Regional Water Board. Data on waste discharges, water quality, geology, and hydrogeology shall not be considered confidential.

#### **N. Monitoring Program and Devices**

The Project Sponsor shall furnish, under penalty of perjury, technical monitoring program reports; such reports shall be submitted in accordance with specifications prepared by the Executive Officer, which specifications are subject to periodic revisions as may be warranted. (CWC Section 13267).

All monitoring instruments and devices used by the discharge to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy. All flow measurement devices shall be calibrated at least once per year, or more frequently, to ensure continued accuracy of the devices. Annually, the Project Sponsor shall submit to the Executive Officer a written statement, signed by a registered professional engineer, certifying that all flow measurement devices have been calibrated and will reliably achieve the accuracy required.

The analysis of any material required pursuant to Division 7 of the Water Code shall be performed by a laboratory that has accreditation or certification pursuant to Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101 of the Health and Safety Code. However, this requirement does not apply to field tests, such as test for color, odor, turbidity, pH, temperature, dissolved oxygen, conductivity, and disinfectant residual chlorine. (CWC Section 13176).

Unless otherwise permitted by the Regional Water Board Executive Officer, all analyses shall be conducted at a laboratory certified for such analyses by the State Water Resources Control Board's Division of Drinking Water. All analyses shall be required to be conducted in accordance with the latest edition of "*Guidelines Establishing Test Procedures for Analysis of Pollutants*" (40 CFR Part 136) promulgated by the U.S. Environmental Protection Agency. (CCR Title 23, Section 2230). The Quality Assurance-Quality Control Program must conform to the USEPA Guidelines "*Laboratory Documentation Requirements for Data Validation*", January 1990, USEPA Region 9) or procedures approved by the Los Angeles Regional Water Quality Control Board.

All quality assurance and quality control (QA/QC) analyses must be run on the same dates when samples were actually analyzed. All QA/QC data shall be reported, along with the sample results to which they apply, including the method, equipment, analytical detection and quantitation limits, the percent recovery, and explanation for any recovery that falls outside the QC limits, the results of equipment and method blanks, the results of spiked and surrogate samples, the frequency of quality control analysis, and the name and qualifications of the person(s) performing the analyses. Sample results shall be reported unadjusted for blank results or spike recoveries. In cases where contaminants are detected in QA/QC samples (e.g., field, trip, or lab blanks); the accompanying sample results shall be appropriately flagged.

The Project Sponsor shall make all QA/QC data available for inspection by Regional Water Board staff and submit the QA/QC documentation with its respective quarterly report. If required, proper chain of custody procedures must be followed, and a copy of that documentation shall be submitted with the quarterly report.

#### **N. Operation Failure**

In an enforcement action, it shall not be a defense for the Project Sponsor that it would have been necessary to halt or to reduce the permitted activity in order to maintain compliance with this Order. Upon reduction, loss, or failure of the facility, the Project Sponsor shall, to the extent necessary to maintain compliance with this Order, control production or all discharges, or both, until the facility is restored, or an alternative method is provided. (CWC Section 13263(f)).

#### **O. Discharge to Navigable Waters**

Any person who discharges pollutants or proposes to discharge pollutants to navigable waters of the United States within the jurisdiction of this state or a person who discharges dredged or fill material or proposes to discharge dredged or fill material into navigable waters of the United States within the jurisdiction of this state shall file a report of waste discharge in compliance with the procedures set forth in Water Code section 13260. (CWC Section 13376).

**P. Endangerment to Health and Environment**

The Project Sponsor shall report any noncompliance which may endanger health or the environment. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Project Sponsor becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Project Sponsor becomes aware of the circumstances. The written submission shall contain a description and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. Maintenance of Records

The Project Sponsor shall retain records of all monitoring information including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of three years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Water Board Executive Officer.

Records of monitoring information shall include:

- a. The date, exact place, and time of sampling or measurements.
- b. The individual(s) who performed the sampling or measurements.
- c. The date(s) analyses were performed.
- d. The individual(s) who performed the analyses.
- e. The analytical techniques or method used.
- f. The results of such analyses.

**Q. Signatory Requirement**

1. All application reports or information to be submitted to the Executive Officer shall be signed and certified as follows:
  - a. For a corporation – by a principle executive officer or at least the level of vice president.
  - b. For a partnership or sole proprietorship – by a general partner or the proprietor, respectively.
  - c. For a municipality, state, federal or other public agency – by either a principal executive officer or ranking elected official.
2. A duly authorized representative of a person designated in paragraph (a) of this provision may sign documents if:
  - a. The authorization is made in writing by a person described in paragraph (a) of this provision.
  - b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated facility or activity.
  - c. The written authorization is submitted to the Executive Officer.

**R. Continue Past Expiration Date**

If the Project Sponsor/Discharger wishes to continue an activity regulated by this Order after the expiration date of this Order, the Project Sponsor/Discharger must apply for and obtain a new Order.